

Application No. 09/734,973  
Amendment "A" dated June 28, 2004  
Reply to Office Action mailed March 26, 2004

### REMARKS

The first Office Action, mailed March 26, 2004, considered claims 1-39. Claims 1, 3, 5, 7-9, 14-16, 18-23, 27, 29, 31 and 38-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Carr (U.S. Publication No. 2003/0133043). Claims 2, 4, 30, 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Valdez Jr. (U.S. Patent No. 6,426,778). Claims 10-11, 17, 24-25, 28, 32-33 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr. Claims 6, 12-13 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Goodman (U.S. Patent No. 6,427,238)<sup>1</sup>.

By this paper, claims 1, 13-14, 19, 30, 32-35 and 38 have been amended,<sup>2</sup> while claims 27-29, 31 and 39 have been cancelled. Accordingly, claims 1-26, 30 and 32-38 remain pending, of which claims 1, 14, 19, 32 and 38 are the independent claims at issue.

The present application is generally directed to the delivery of enhanced programming content to a receiver and according to the timing specified by a timeline. As recited in claim 1, for example, the claimed method includes steps for creating a schema document comprising a trigger data structure, an announcement data structure, and a package data structure defining enhanced programming content. The schema document also comprises at least one instruction regarding timing for the delivery of enhanced programming content. Said at least one instruction is analyzed to retrieve a timeline data structure comprising events specifying particular times during a particular period of time for delivery of each one of the trigger data structure, the announcement data structure, and the package data structure to the receiver. The method also includes delivering each one of the trigger data structure, the announcement data structure, and the package data structure to the receiver as specified by the timeline data structure.

The remaining independent claims comprise related computer-readable media (claim 19), systems (claim 32) and computer program products (claim 38), incorporating similar limitations.

<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> It will be appreciated that many of the claim amendments made herein are not substantive and have not been made for reasons of patentability, but rather to improve the style and format of the claims. The paragraph found on page 26, beginning at line 9 has also been amended herein to correct minor grammatical errors. Support for the claim amendments which may be considered substantive are found throughout the application, including pages 32-33 of the specification.

Application No. 09/734,973  
Amendment "A" dated June 28, 2004  
Reply to Office Action mailed March 26, 2004

In the most recent Office Action, it was asserted that Carr taught the claimed elements of the independent claims, including the limitation of retrieving a timeline data structure that controlled the delivery of the enhanced programming content to the receiver. In making this assertion, the Examiner stated on a couple of occasions that he "interprets synchronization information to be timeline data." Applicants respectfully disagree and have amended the claims to more particularly distinguish the timeline data structure from Carr's disclosed synchronization information.

In particular, the recited timeline data structure specifies particular times during which each one of the trigger data structure, the announcement data structure, and the package data structure are to be delivered to the receiver. This delivery timeline is to be distinguished from synchronization that is simply enabled by the attributes associated with a trigger. To even more clearly distinguish the two, Applicant will cite passages of the specification and the Carr disclosure.

As recited in Applicants specification, "Subsequent Triggers containing certain attributes will create events and action in the enhanced programming content. This can be used for synchronization between the audio/video and enhanced programming content." Page 32, ll. 7-9

Carr also specifies that it is the "trigger [that] synchronizes the enhancement data with the TV transmission. Para [0021].

A trigger can be used to synchronize the enhancement data with the TV programming because a user selection of a trigger, "by pressing a button on [an] input device," activates the trigger. Page 32, ln. 21. This is not to say, however, that the actual package is delivered with the trigger and announcement to the receiver. In particular, the package can be "delivered before or after the trigger is delivered to the receiver." Page 32, ln. 24. "Hence, application module 222 [via the timeline] designates a specified period of time for delivery of each announcement, trigger, package, and the like. This permits interactive module 210 to dynamically organize delivery of the announcement, trigger, package, and the like within the defined period of time." Page 33, ll. 3-11.

Carr, on the other hand, is silent regarding any specific system for determining when the various announcement, trigger, and resources are to be delivered. Instead, Carr merely states that the "announcements, resources, and triggers associated with an A/V channel may be delivered at

Application No. 09/734,973  
Amendment "A" dated June 28, 2004  
Reply to Office Action mailed March 26, 2004

about the same time as and with the transmission of the A/V content on that channel." Para [0022].

Carr also describes another embodiment in which enhancement data is delivered separately from the transmission of the A/V content to provide greater flexibility and to alleviate bandwidth concerns (para [0025]). However, this alternative embodiment fails to make any mention at all regarding the timing for delivering the announcements, resources and triggers.

For at least the foregoing reasons, Applicant respectfully submits that Carr neither anticipates nor obviates the pending independent, and hence dependent, claims.

The secondary references were only used to reject certain dependent claims, and are not, therefore, addressed in detail at this time. The Goodman reference, however, will be addressed insofar as the Examiner suggests Goodman teaches the use of a carousel, as recited in claims 6, 12-13 and 26.

Although Applicant agrees that the term "carousel" is found in both the pending claims and the Goodman reference, the use of the term is completely different, as follows.

Goodman is generally directed to a module manager for providing modules to interactive television systems. In Goodman, reference is made to a carousel that comprises an actual "set of modules." Col. 3, ll. 54-56; Col. 2, ll. 6-8. Sets of modules are referred to as a carousel in Goodman inasmuch as they are generally transmitted in a cyclic nature. Col. 3, ll. 54-56. Accordingly, insofar as the carousel of Goodman comprises an actual set of modules that are delivered in a cyclic nature, the Goodman carousel is distinguished from the carousel recited in the claims which operates as a type of a timeline for specifying when different elements should be delivered. (Claims 12, 13; p. 33, ln. 19 thru p. 34, ln. 13)

Although Applicant does not necessarily agree with the remaining assertions regarding the cited art and the Official Notice taken in the last action, many of those issues are not specifically addressed herein insofar as they are moot for at least the reasons provided above distinguishing the independent claims from the art of record.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims (1-26, 30 and 32-38) are in condition for prompt allowance. In the event that the Examiner finds

Application No. 09/734,973  
Amendment "A" dated June 28, 2004  
Reply to Office Action mailed March 26, 2004

remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this \_\_\_\_ day of June 2004.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
Attorneys for Applicant

Customer No. 022913

RDN:JCJ:cm

W:\14531\93\CM000003594V001.DOC